

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CARROLL STEPHENSON,

Defendant.

CASE NO. CR05-5158 RBL

ORDER

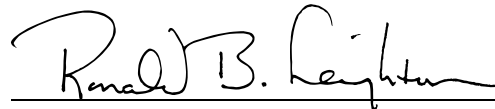
THIS MATTER is before the Court on David Carroll Stephenson's Petition for Declaratory Judgment [Dkt. 368], Petition for Further Remedy and Relief [Dkt. 371], and his Motion for Speedy Hearing [Dkt. 374]. Stephenson was convicted by a jury of failing to file tax returns and of conspiracy to defraud the United States. Dkt. 233. His conviction was affirmed by the Ninth Circuit Court of Appeals. Dkt. 348.

Stephenson previously petitioned this Court to vacate or correct his sentence pursuant to 28 U.S.C. § 2255. *See Stephenson v. United States*, No. 12-cv-5581-RBL (W.D. Wash. 2012). The Court dismissed his § 2255 petition as untimely because it clearly fell outside the one-year limitations period. *Id.* at Dkt. 4; 28 U.S.C. § 2255(f). Both this Court and the Ninth Circuit denied Stephenson's request for a certificate of appealability. *Id.* at Dkt. 12; Dkt. 13.

1 In his most recent voluminous pro se filings, Stephenson again reiterates his familiar
2 arguments that the Court lacks jurisdiction over him and that his conviction and the judgment
3 against him are “jurisdictionally void.” Although labeled as requesting “declaratory judgment,”
4 the Court construes Stephenson’s latest filings as a second or successive habeas corpus petition
5 under § 2255. A second or successive motion under § 2255 must be dismissed unless it is
6 authorized by the appropriate court of appeals. 28 U.S.C. § 2255(h); 28 U.S.C. § 2244. Because
7 Stephenson does not have the requisite order authorizing his successive § 2255 application from
8 the Ninth Circuit, his petitions [Dkts. 368, 371, and 374] are **DENIED**.

9
10 IT IS SO ORDERED.

11 Dated this 31st day of January, 2018.

12
13 

14 Ronald B. Leighton
United States District Judge
15
16
17
18
19
20
21
22
23
24